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responsible positions and must constantly have men to protect her he replies by referring to the derelict manner in which man has heretofore performed this pious duty even in the days of lauded chivalry.

As indispensable reforms, Mr. Hecker urges that the double standard of morality for the sexes must gradually be abolished, the age of legal consent made uniformly twenty-one, the evil of prostitution taught to the public and women trained as fellow citizens and given the full right and equal opportunity to enter any profession or business which they may desire.

JAMES MORTON CALLAHAN.

*Die Englische Gerichtsverfassung: Eine systematische Darstellung.*

VON DR. HEINRICH B. GERLAND. (Leipzig: G. J. Göschen'sche Verlagshandlung. 1910. Two volumes. Pp. 1020).

The impetus which German scholarship in the field of English political institutions received a generation ago from the works of Gneist has been fruitful of a number of very eminent contributions. Within the past decade the appearance of several really important treatises dealing with various phases of English government have put both English and American political students to shame. As against the one great American work on *The Government of England* by President Lowell of Harvard, and with no work in the same category by England's own scholars, may be mentioned Redlich's two works on *The Local Government of England* and *The Procedure of the House of Commons*; Hatschek's *Englisches Staatsrecht*; and finally the work under review. It is certainly a matter of sincere congratulation that the English judicial system has now received the same exhaustive and critical investigation to which English local government and parliamentary procedure have been subjected.

The work is written primarily to supply German students and reformers with the *facts* concerning the English judiciary. Hitherto understood very imperfectly, and often seriously misinterpreted, it has been made to support all sorts of arguments with regard to proposed reforms in the German judicial system, and the bitter controversies which have arisen attest the necessity of an impartial, exhaustive and unpolemical study. The author, who is a professor in the University of Jena, in spite of the manifest difficulties of the task, has succeeded in reducing to orderly and lucid analysis the heterogenous and complicated system of English judicial institutions. The method

employed is historical. The author is certainly correct in insisting that such a confused and illogical group of institutions as the English courts can only be adequately treated by tracing the growth and development of each individual institution. There are no broad general principles upon which the English judicial system rests. Each part is the product of its own special historical circumstances. A strictly inductive method must be followed.

Beginning with a study of the lower courts: justice of the peace; petty sessions; quarter sessions; county; and coroners', some very interesting tendencies are disclosed. The old county squire, so common a character in English fiction and the subject of Gneist's enthusiastic praise, has nearly disappeared. Justices of the peace, though often possessed of larger technical knowledge of the law than their predecessors, are generally nowadays men of far less influence and authority in their communities. The growth of large cities also compelled the establishment of specialized municipal courts which, of course, bear little resemblance to the old justices' courts which they have replaced. Everywhere, the author insists, the processes of specialization and of localization are evident in the administration of justice. The county courts are increasing in importance and becoming localized and specialized tribunals for the adjudication of civil cases. The assizes are suffering a corresponding decline. For criminal cases, in place of quarter sessions and assizes, permanent local criminal courts are coming into existence and bid fair to entirely supplant the older and more clumsy, as also less technically fit, tribunals. The ancient practice of riding on circuit, to which the uniformity of English law has been so largely attributed, is destined to disappear. Its usefulness in centralizing and unifying justice in the past is beyond question, but it is today out of accord with the demand for localized and specialized courts. Another aspect of the movement toward localization is the decline in the commanding position of the barristers and the corresponding enhancement of the position of the solicitors. The former are attached to the High Court in London, and, with few exceptions, actually reside in the metropolis. They are the embodiment of the principle of centralization of justice. The solicitors, on the other hand, are scattered all over the kingdom. The author believes that the division of the legal profession must soon disappear entirely. Along with the tendency toward localization and specialization is to be noticed that toward a more definitely hierarchical organization of the courts. This means the eventual elimination of the confusion and

heterogeneity that now exists and the introduction of system and order in the organization and arrangement of the courts.

A very lucid and complete description is given of the High Court and its several subdivisions; the Court of Appeal; and the House of Lords in its capacity as a court. Special and local courts such as the Railway and Canal Commission, the Courts of Survey, the ecclesiastical and military courts, the local chancery courts in Lancaster and Durham, the university courts at Oxford and Cambridge, the Court of Passage in Liverpool, all receive full and interesting treatment. Judicial procedure is likewise given considerable attention. The only serious omission is the failure to describe the Judicial Committee of the Privy Council, the importance of which is, to be sure, not so great for purely English as for colonial and imperial interests. Yet we can scarcely conceive how a work of such a comprehensive and exhaustive character should vouchsafe only a passing paragraph to a tribunal of so great importance both past and present. The author's excuse is that the Judicial Committee is not an integral part of the judicial system of England. It has few specifically English functions and these are not important. It is technically not a law court but an arm of the executive administration. Nevertheless we feel that, even though it be at the expense of preserving the logical unity of the work, an adequate discussion of the Judicial Committee ought to have been included.

It is to be sincerely hoped that an early translation of this work into English will make it more generally accessible. It is surely a curious and significant fact that the student of the English judiciary, who has hitherto been compelled to go to de Franqueville's *Système judiciaire de la Grande Bretagne* (1893), an untranslated French work, for the best treatise on the subject, must now resort to Gerland in default of any satisfactory discussion in English.

WALTER JAMES SHEPARD.

*Our Judicial Oligarchy.* By GILBERT E. ROE. With introduction by Robert M. La Follette. (New York: B. W. Huebsch. 1912. Pp. vii, 239.)

In this little book Mr. Roe offers us a sympathetic review of the reasons "why the people distrust the courts." One reason, in his language, is the following: "The courts having seized the power to declare some statutes invalid because unconstitutional, have come to